

Erosion Control Ordinance, Plans, and Enforcement

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Construction Site Erosion Control Measures

- Are an expense to the building owner and a nuisance to the contracting community.
- Are typically located in areas most prone to physical damage by contractors, sub-contractors, and during material deliveries.



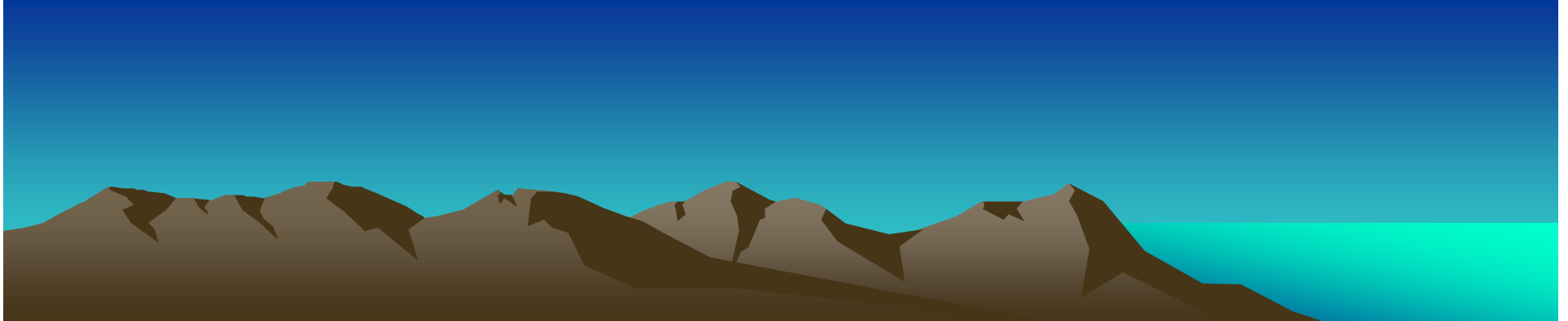
Construction Site Erosion Control Measures

- Do not provide a realized monetary increase in the valuation of a completed construction project.
- Are removed upon completion of the project thus providing no physical evidence of their existence.



Construction Site Erosion Control Measures

- Cost money
- Difficult to maintain
- Worth nothing in the end



Why then should regulation of ground disturbing activities be so difficult?

- Purchasers of construction do not see value added.
- Contractors do not view erosion control measures as a profit center.



Developing a recognition of Erosion Control Importance

- No Building Permits issued until an Erosion Control Permit is obtained.
- No inspection of the Building Construction if the Erosion Control Measures are not in place or properly maintained.



Entering the Economic Chain of Command

- The potential cost of not providing Erosion Control Measures must meet or exceed the cost of providing them.
- Forfeiture of Erosion Control Bond
- Potential Inspection Delays
- Project Shut Down
- Citations



Erosion Control Ordinance

Milwaukee Code of Ordinances

Chapter 290

- 290-1 Definitions
- 290-2 Intent
- 290-3 Design Criteria, Standards and Specification
- 290-5 Maintenance and Control Measures



Erosion Control Ordinance

Milwaukee Code of Ordinances

Chapter 290

- 290-7 Control of Erosion and Pollutants
- 290-9 Control Plan for Building and Site Development
- 290-11 Control Plan for Certain Right-of-Way and Public Utility Easements Projects



Erosion Control Ordinance

Milwaukee Code of Ordinances

Chapter 290

- 290-13 Inspection
- 290-14 Public Service Corporation and Cooperative Associations
- 290-15 Enforcement
- 290-17 Appeals



290-1 Definitions

- Provide specific meanings to words used throughout the ordinance to minimize the potential for misunderstanding.



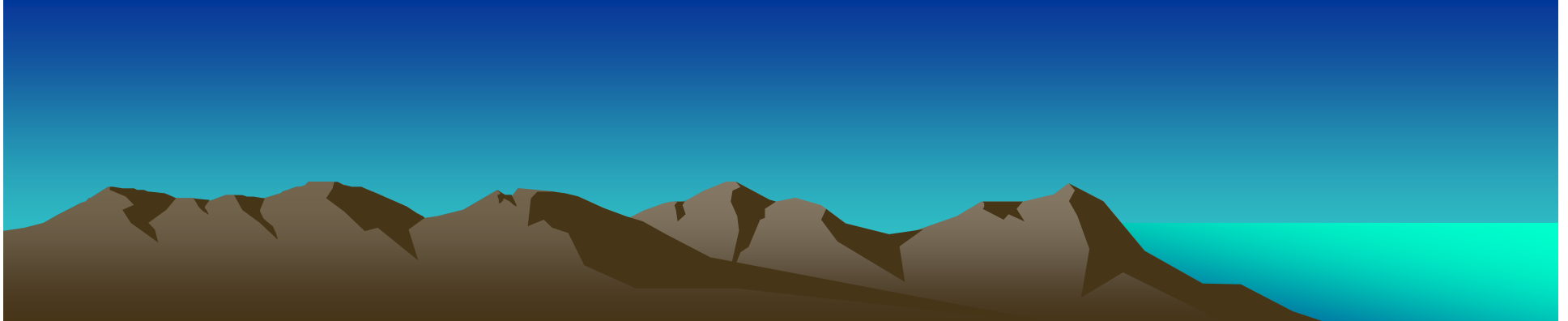
290-2 Intent

- It is the intent of this chapter to prevent site materials, construction residue or illicit discharges from entering any portion of the storm sewer system and watercourses. This applies to construction grading and excavation in or adjacent to any public way, watercourse or storm drainage facility.



290-3 Design, Criteria, Standards and Specifications

- Shall meet the design criteria, standards and specifications for the control measures.
- Based on accepted design criteria, standards and specifications identified by the department.



290-3 Design, Criteria, Standards and Specifications

- The Wisconsin department of transportation erosion control product acceptability list (WisDotPal).
- The department of natural resources' best management practices handbook may be used as a reference.
- Each project shall have an individual control plan.



290-5 Maintenance of Control Measures

- To meet the requirements of this chapter the applicant or subsequent landowner shall:
 1. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs.



290-5 Maintenance of Control Measures

- To meet the requirements of this chapter the applicant or subsequent landowner shall:
- 2. Allow the department of neighborhood services to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the plan.



290-5 Maintenance of Control Measures

- To meet the requirements of this chapter the applicant or subsequent landowner shall:
 3. Keep a copy of the control plan on the site.
 4. Send record of inspection and repairs to the appropriate city department as defined in the erosion control permit.



290-7 Control of Erosion and Pollutants

- 1. Applicability.
- This section applies to the following sites of land developing or land disturbing activities and storage of erodable material:
- The ordinance lists the conditions and/or thresholds which invoke regulation.



290-7 Control of Erosion and Pollutants

- 2. Requirements.
- The following requirements shall be met on all sites described in sub. 1.
- C. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways.



290-7 Control of Erosion and Pollutants

- C. Tracking (Continued).
- Any sediment reaching a public or private road shall be removed immediately by street cleaning, other than flushing.



290-7 Control of Erosion and Pollutants

- e-3. All disturbed ground left inactive for 10 or more days shall be stabilized by seeding or sodding, or by mulching or covering, or other equivalent control measure. Seeding and sodding may only be used from May 1 to September 15 of any year.



290-7 Control of Erosion and Pollutants

- e-8 The city shall be notified 3 working days before any land disturbing activities are commenced.
- e-9. The city shall be notified when the erosion control measures are in place.



290-9 Control Plan for Building and Site Development

- No landowner or land user may commence a land disturbance or land development activity subject to this chapter without receiving prior approval of a control plan for the site and a permit from the department of city development, except as provided in s. 290-11.



290-9 Control Plan for Building and Site Development

- At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this chapter shall submit an application for a permit and a control plan and pay an application fee to the department of city development.



290-9 Control Plan for Building and Site Development

- By submitting an application, the applicant is authorizing the department of neighborhood services to enter the site to obtain information required for the review of the control plan.



290-9 Control Plan for Building and Site Development

- 1. Activities covering more than one acre. The Control plan for land disturbing activities covering more than one acre shall consist of:
 - a. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:



290-9 Control Plan for Building and Site Development

- a-1. Site boundaries and adjacent lands which accurately identify site location.
- a-2. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
- a-3. One hundred year floodplains, flood fringes and floodways.



290-9 Control Plan for Building and Site Development

- a-4. Location of the predominant soil types.
- a-5. Vegetative cover.
- a-6. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.



290-9 Control Plan for Building and Site Development

- a-7. Locations and dimensions of utilities, structures, roads, highways and paving.
- a-8. Site topography at a contour interval not to exceed 5 feet.



290-9 Control Plan for Building and Site Development

- b. A plan of final site conditions on the same scale as the existing site map showing the site changes.
- c. A site construction plan including:
- c-1. Locations and dimensions of all proposed and land disturbing activities, temporary soil or dirt stockpiles and construction site management control measures necessary to meet the requirements of this chapter.



290-9 Control Plan for Building and Site Development

- c-2. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this chapter.
- c-3. Provisions for maintenance of the construction site control measures during construction.



290-9 Control Plan for Building and Site Development

- 2. Activities Covering Less Than One Acre.
- For land disturbing activities covering less than one acre, an erosion control plan statement with simple map shall be submitted to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of this chapter.



290-9 Control Plan for Building and Site Development

- 3. Review.
- Within 15 days of receipt of the application, control plan, or control plan statement and fee, the department of city development shall review the application and control plan to determine if the requirements of this chapter are met.



290-9 Control Plan for Building and Site Development

- 4. Permits.
- Duration
- a. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance.



290-9 Control Plan for Building and Site Development

- b. Erosion Control Performance Deposit.
- b-1. Requirement. As a condition of approval and issuance of the permit, the department of city development shall require the owner or contractor responsible for erosion control measures at the site to provide an erosion control performance deposit to guarantee a good-faith execution of the approval control plan and associated permits.
- Irrevocable letter of credit, bond or certified check.



290-9 Control Plan for Building and Site Development

- c. Permit Conditions: All permits shall require the permittee to:
 - c-1. Notify the department 3 business days prior to commencing and land developing or land disturbing activity.
 - c-2. Notify the department of the schedule of installation and completion of the control measures.



290-9 Control Plan for Building and Site Development

- c-3. Obtain permission in writing from the department of city development prior to modifying the control plan.
- c-4. Install all control measures as identified in the approved control plan prior to commencing any land developing or land disturbing activity.



290-9 Control Plan for Building and Site Development

- c-5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.
- c-6. Repair any situation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.



290-11 Control Plan for Certain Right-of-Way and Public Utility Easement Projects

- Land disturbance or land development activity involving streets, alleys, highway, bridges, or an underground pipe, cable or facility may not commence construction without an approved erosion control plan and a permit issued by the department of public works.



290-13 Inspections

- 1. The department shall inspect the site development, building construction sites and building services not let to public works contract, at least once each month while the permit is active to ensure compliance with the control plan.



290-13 Inspections

- 2. The department of public works shall inspect construction work for which it has issued permits to ensure compliance with the erosion control plan and at least once each month while the permit is active.



290-14 Public Service Corporations and Cooperative Associations.

- The requirements of ss. 290-9-4-b and 290-11-3 shall not apply to public service corporations.....



290-15 Enforcement

- 1. Building, Site Development and Services not let to Public Works Contract.
- a. The department may issue an order to correct violations or a stop-work order or both if any land disturbing or land developing activity regulated under this chapter is being undertaken without permit or in violation of the conditions of the permit.



290-15 Enforcement

- b. If the prime contractor or owner does not cease the activity or comply with the permit conditions within 24 hours or specified by the department, the department may revoke the permit.
- c. If the prime contractor or owner does not cease the activity within 24 hours or as specified by the department, the department may request the city attorney to obtain a cease and desist order.



290-15 Enforcement

- d. The department may retract the stop-work order or the revocation.



290-15 Enforcement

- e. After the time for compliance on the stop-work order or order to correct violations notice has passed, the department may issue a notice to the prime contractor or owner of the department's intent to perform work necessary to comply with this chapter. The department may go on the land after 3 days from mailing or serving the notice of intent.



290-15 Enforcement

- f. The department may issue a citation with or without prior order for any violation of this chapter as provided in s. 200-19-2.
- g. Any person violating this chapter shall be subjected to penalty pursuant to s. 200-19-2.



290-15 Enforcement

- 2. Right-of-Way and Public Utility Easements; Public Works Contract.
- a. The department of public works may order construction halted if:
 - a-1. The activity regulated under this chapter is undertaken without a permit.
 - a-2. The control plan is not being implemented in good faith.



290-15 Enforcement

- a-3. The conditions of the permit are not being met.
- b. After the department of public works notices the offender of noncompliance, it may take whatever steps are necessary to enforce the plan, including, but not limited to, having the permittee make corrections, using its own forces, or engaging other contractors.



290-15 Enforcement

- 3. Recovery of Costs



290-17 Appeals

- Appeals not covered by s. 200-17 may be submitted to the administrative review appeals board as provided in s. 320-11.



